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**DIGEST OF OTHER RECENT VIRGINIA DECISIONS.****Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

SMILEY *v.* COMMONWEALTH *ex rel.* KERR.

Nov. 12, 1914.

[83 S. E. 406.]

**Highways (§ 93\*)—Road Superintendent—Election—"Majority."**—Acts 1908, c. 280, as amended by Acts 1910, c. 8, provides that there shall be appointed biennially, by the supervisors of the county, a superintendent of roads if the board deems such superintendent necessary. Code 1904, § 832, provides that all questions submitted to the board of supervisors shall be determined by a vote of a majority, and in case of a tie it shall be determined by a commissioner in chancery appointed as tie breaker by the circuit court of the county. Held, that a "majority" of the board necessary to elect a road superintendent meant a majority of all the members-elect of the board; and hence, where a board of supervisors consisted of six members and there was a tie on the election of a road supervisor, the tie could not be broken by the vote of the tie breaker appointed by the circuit court.

[Ed. Note.—For other cases, see Highways, Cent. Dig. §§ 304-307; Dec. Dig. § 93.\* 12 Va.-W. Va. Enc. Dig. 930.]

For other definitions, see Words and Phrases, First and Second Series, Majority.]

Error to Circuit Court, Augusta County.

Quo warranto by the Commonwealth on the relation of H. H. Kerr, Commonwealth's Attorney, against William V. Smiley. From a judgment in favor of relator, respondent brings error. Affirmed.

*J. M. Perry* of Staunton, for plaintiff in error.

*Timberlake & Nelson* and *Jos. A. Glasgow*, all of Staunton, for defendant in error.

MORRIS & CO., Inc., *v.* COMMONWEALTH.

Nov. 12, 1914.

[83 S. E. 408.]

**1. Licenses (§ 15\*)—Business Tax—"Butcher."**—Where defendant,

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.